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October 6, 2009

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#13 OCTOBER 6, 2009

Agenda No. 1  
05/26/09

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Re: **PROJECT NO. R2004-00805-(5)**  
**CONDITIONAL USE PERMIT NO. 2007-00051-(5)**  
**FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which sought to authorize the installation, operation, and maintenance of a wireless telecommunication facility. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are findings for your consideration.

Very truly yours,

ROBERT E. KALUNIAN  
Acting County Counsel

By

*Elaine M. Lemke*  
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Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

*John F. Krattli*  
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Senior Assistant County Counsel

EML:vn

Enclosure

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
PROJECT NUMBER R2004-00805-(5)  
CONDITIONAL USE PERMIT NUMBER 2007-00051-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2004-00805-(5), consisting of Conditional Use Permit No. 2007-00051-(5) ("CUP") on May 26, 2009. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP on May 21, 2008 and July 30, 2008.
2. The applicant, Sprint/Nextel ("Sprint/Nextel"), requested a CUP to authorize construction, operation, and maintenance of an unmanned wireless telecommunications facility consisting of 12 antennas and a GPS antenna mounted behind six-foot-high new screens on the corner of the roof of an existing office building, two ground-level equipment cabinets to be located at the east back side of the building, and a wall-mounted "Telco" panel.
3. The subject office building is located at 2540 Foothill Boulevard in the unincorporated La Crescenta area in the Montrose Zoned District. The property is located at the corner of Foothill Boulevard and Rosemont Avenue.
4. The subject property is designated as "Major Commercial" in the Los Angeles County General Plan ("General Plan"). Typical land uses for this classification include central business districts, regional office complexes, major shopping malls and centers, and a range of mixed commercial retail and service activities. The intent of this classification is to situate commercial activities in viable clusters that conveniently serve their market areas and provide sufficient commercial lands to accommodate the projected work force.
5. There are no specific policies related to unmanned wireless telecommunication facilities in the General Plan. The Land Use element of the General Plan, however, identifies among its goals: the maintenance and enhancement of existing residential neighborhoods and encouragement of high quality design in projects to be compatible with, and sensitive to, the natural and manmade environment.
6. The subject property is zoned C-2 BE (Neighborhood Business - Billboard Exclusion).

7. Surrounding properties are zoned as follows:

North: C-2 BE  
South: C-2 BE  
West: C-2 BE  
East: C-2 BE  
Southeast: R-1 (Single-family Residence)  
Southwest: R-1

8. The proposed antennas would be located on the roof of an existing 17,961-square-foot office building that includes a parking lot. The property is located near other commercial properties with office buildings located to the north and east, a commercial center to the west, and single-family residences to the south, southeast, and southwest.
9. Title 22 (Zoning Ordinance) of the Los Angeles County Code ("County Code") does not specify wireless telecommunications facility as a use. Therefore, the Department of Regional Planning ("Regional Planning") has determined that the most similar use specified in the Zoning Ordinance is "radio or television tower," which may be allowed in the C-2 zone with a conditional use permit. Accordingly, a conditional use permit is likewise required for all wireless telecommunication facilities in the C-2 zone.
10. Prior to the above-referenced Board and Commission hearings, an initial hearing was held by a hearing officer on March 4 and March 12, 2008, who referred the case to the Commission. After closing its public hearing, the Commission approved the CUP. The Commission's approval of the CUP was timely appealed to the Board by a nearby resident.
11. Proper legal notice was provided by the County for all of the public hearings held regarding the CUP.
12. At the Commission hearing, representatives of Sprint/Nextel testified in favor of the CUP. Six residents testified in opposition to the CUP. Opposition testimony was based on aesthetics, that adequate wireless coverage existed in the proposed coverage area, and that co-location at other wireless facility sites should have been considered.
13. After the Commission's approval of the CUP was appealed to the Board, a de novo hearing was held by the Board on May 26, 2009. At that hearing, Regional Planning staff briefly outlined the proposed facility and explained the procedural status of the case. Seven people testified, five in opposition, including representatives of the Crescenta Valley Town Council. Two individuals testified on behalf of, and in support of, Sprint/Nextel.

14. Opposition testimony focused on: (1) Sprint/Nextel's claim of a coverage gap, which opponents disputed; (2) view impacts; (3) other aesthetic impacts; and (4) complaints that co-location should have been attempted.
15. More specifically as to coverage, opponents testified that Sprint/Nextel's own website showed good coverage in the area with only minor gaps. Opponents of the proposed CUP also complained that other less intrusive sites were not explored by Sprint/Nextel. Representatives of the Crescenta Valley Town Council testified that there already was a high concentration of sites in the area and that Sprint/Nextel should attempt to co-locate at one of those sites. With respect to alternative sites, Sprint/Nextel's engineer stated that the proposed site is "exactly where we want to go" and because none of the existing cell sites were within that radius, Sprint/Nextel rejected co-location. Sprint/Nextel did not testify that it looked at other sites that might provide some additional coverage to close the alleged gap.
16. Regarding aesthetic and view impacts, testimony was given that the proposed additional screening was unattractive. Photographs submitted show that the screens will be located on only one corner of the building so that the addition sticks out rather than being integrated with the design of the existing building. It is also awkwardly positioned. Opponents also testified that the addition would further obstruct views of the mountains for the residents whose homes are located south of the site. An earlier letter from one resident had indicated that the proposed screening would "totally block" the mountain views from one window of a nearby residence.
17. The Board finds that the proposed project as a whole is out of character with the surrounding neighborhood and will result in visual blight for the surrounding community.
18. The Board finds that it is not clear whether there is a significant gap in Sprint/Nextel's coverage in the area surrounding the proposed site, but that if there is a significant gap in coverage, Sprint/Nextel failed to present adequate evidence to make such a showing. The Board also finds that Sprint/Nextel's own website showed the area to have almost complete coverage.
19. The Board finds that Sprint/Nextel failed to conduct a meaningful comparison of alternative sites, instead zeroing in on what worked for Sprint/Nextel, rather than considering the community's interest in selecting a less intrusive site.
20. The Board finds that Sprint/Nextel did not examine alternative sites that could have provided additional coverage while being less intrusive in terms of visual and aesthetic impacts on the community.

21. The Board finds that the proposed project is inconsistent with the following goals of the General Plan, Land Use Element: maintenance and enhancement of existing residential neighborhoods and encouragement of high quality design in projects to be compatible with, and sensitive to, the manmade environment.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

1. The proposed use is not consistent with the adopted general plan for the area;
2. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; and
3. That the requested use will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

**THEREFORE, THE BOARD OF SUPERVISORS:**

1. Denies Project No. R2004-00805-(5), consisting of Conditional Use Permit No. 2007-00051-(5).